

PROPOSED CONSTITUTIONAL AMENDMENTS

SENATE JOINT RESOLUTIONS

PROPOSED CONSTITUTIONAL AMENDMENTS—BAIL DENIAL TO CERTAIN ACCUSED FELONS

S. J. R. No. 3

Proposing a constitutional amendment relating to denial of bail to a person accused of a felony in certain circumstances.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article I, Section 11a of the Texas Constitution, be amended to read as follows:

"Sec. 11a. Multiple Convictions; Denial of Bail

"Any person (1) accused of a felony less than capital in this State, who has been theretofore twice convicted of a felony, the second conviction being subsequent to the first, both in point of time of commission of the offense and conviction therefor, (2) accused of a felony less than capital in this State, committed while on bail for a prior felony for which he has been indicted, or (3) accused of a felony less than capital in this State involving the use of a deadly weapon after being convicted of a prior felony, after a hearing, and upon evidence substantially showing the guilt of the accused of the offense in (1) or (3) above or of the offense committed while on bail in (2) above, may be denied bail pending trial, by a district judge in this State, if said order denying bail pending trial is issued within seven calendar days subsequent to the time of incarceration of the accused; provided, however, that if the accused is not accorded a trial upon the accusation under (1) or (3) above or the accusation and indictment used under (2) above within sixty (60) days from the time of his incarceration upon the accusation, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder, and said appeal shall be given preference by the Court of Criminal Appeals."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1977, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment permitting denial of bail to a person charged with a felony offense who has been theretofore twice convicted of a felony offense, or charged with a felony offense committed while that person was admitted to bail on a prior felony indictment, or charged with a crime involving the use of a deadly weapon where there is evidence such person has been convicted of a prior felony offense; pro-

65th LEGISLATURE—REGULAR SESSION

viding for a 60-day limit to that person's incarceration without trial; and providing for that person's right of appeal."

Adopted by the senate on March 17, 1977: Yeas 27, Nays 1, one paired vote; May 13, 1977, senate concurred in house amendment: Yeas 27, Nays 0; adopted by the house, with amendment, on May 11, 1977: Yeas 106, Nays 36, one present not voting.

Filed without signature.

Filed with the Secretary of State, May 26, 1977.

**PROPOSED CONSTITUTIONAL AMENDMENTS—TAX RELIEF
—PRESERVATION OF CULTURAL, HISTORICAL, OR
NATURAL HISTORY RESOURCES**

S. J. R. No. 5

Proposing an amendment to Article VIII of the Texas Constitution relating to tax relief to preserve certain cultural, historical, or natural history resources.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article VIII of the Texas Constitution be amended by adding a Section 1-f to read as follows:

"Sec. 1-f. Ad Valorem Tax Relief

"The legislature by law may provide for the preservation of cultural, historical, or natural history resources by:

"(1) granting exemptions or other relief from state ad valorem taxes on appropriate property so designated in the manner prescribed by law; and

"(2) authorizing political subdivisions to grant exemptions or other relief from ad valorem taxes on appropriate property so designated by the political subdivision in the manner prescribed by general law."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1977, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing tax relief to preserve certain cultural, historical, or natural history resources."

Adopted by the senate on February 21, 1977: Yeas 25, Nays 5; May 23, 1977, senate concurred in house amendment: Yeas 25, Nays 5; adopted by the house, with amendment, on May 20, 1977: Yeas 118, Nays 14, one present not voting.

Filed without signature.

Filed with the Secretary of State, May 26, 1977.